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09/358,546

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TORU OZAKI

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12/19/2002

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WASHINGTON, DC 20001

EXAMINER

CHOW, CHARLES CHIANG

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/358,546

Applicant(s)

OZAKI ET AL.

Examiner

Charles Chow

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5-11 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-11 and 13-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**Office Action for  
Applicant's Amendment  
(October/3/2002)**

1. Regarding applicant's amendment in specifications, claims, and adding new claim, the amendment are entered.
2. Regarding for the reconsideration based on the no teachings for the changing of the software for the method of enciphering/deciphering used by the processor; the remote station for indicating of the user's feeling;

Patent to Nohda-'875 B1 (added to office action in claim 1) teaches the receiving of a command for changing the cipher processing program transmitted from the service station and the circuit function updates the cipher processing provided from the program (abstract, Fig. 1-3, steps SP1-SP5). Nohda also teaches the changing of the decrypting method and apparatus (in col. 10, lines 18-38).

Regarding the remote station for indicating of the user's feeling, patent to Kirkpatrick teaches the base station collects the user's dissatisfaction from remote cellular telephone for the service (abstract, Fig. 1-7), as the remote station for indicating of the user's feeling. The server provides a test for testing of the function and features of the cellular telephone, such that the user's issue/dissatisfaction could be resolved (In Fig. 8, steps 125; col. 5, lines 1-15; col. 7, lines 61-62).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama (US 6,332,133) in view of Nohda (US 6,215,875 B1).

Takayama discloses **claim 1**, a portable communication device (personal credit terminal 100, payment means, front figure) for communicating with a remote communication terminal (base station 104), the personal credit terminal being configured and arranged to be used in a digital money system (digital service providing system 102, settlement system 103, payment means 100, charging means 101, abstract, front figure; col. 43, line 59 to col. 44, line 31).

Takayama discloses a remote communication interface of the personal credit terminal 100 to remotely communicate via the wireless link 106 to the base station 104, and a short distance communication interface via the infrared link 105 to the credit settlement 101, charging means.

Takayama discloses the input unit for the payment-means-personal credit terminal 100 for input money amount to be paid (col. 4, lines 15-20).

Takayama discloses a memory storing data input by the inputting unit as the first storage means, the second storage means for data stored in the payment means (terminal 100) can be displayed to owner (col. 4, lines 21-33). Takayama discloses a display unit (displaying input data, col. 4, lines 25-28; displaying data from charging means, col. 4, lines 57-59).

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Takayama discloses an enciphering/deciphering circuit data as shown col. 209, lines 65 to col. 210, line 3).

Takayama discloses a controlling unit (central processing unit) for controlling each of said remote, short-distance communication interface, input unit, display unit, enciphering, deciphering circuit (col. 4, lines 36-20; col. 4, lines 42-46; col. 209, lines 21-28).

In the above, it is not clearly indicate the said enciphering/deciphering are constituted by an processor, and an enciphering and deciphering method used by processor is changed by changing software installed in said enciphering/deciphering processor.

Nohda teaches the ciphering processing system for the receiving of a command for changing the cipher processing program transmitted from the service station and the circuit function updates the cipher processing provided from the program (abstract, Fig. 1-3, steps SP1-SP5).

Nohda teaches the changing of the decrypting method and apparatus (col. 10, lines 18-38).

It is apparently obvious to include Nohda's technique to update the program for the method of ciphering and decrypting processing, to Takayama, such that the system could be upgraded to provide dynamic security by updating the ciphering and decrypting processing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify and include Nohda's technique to update the program for the method of ciphering and decrypting processing, to Takayama, such that the system could be upgraded to provide dynamic security by updating the ciphering and decrypting processing.

Regarding **claim 5**, Takayama also discloses a computer of a financial institution (the settlement 103, in col. 44, lines 62 to col. 45, line 8), to provide remote credit settlement service. Referring to the disclosure above in claim 1 for the other element of the claimed limitations for the radio base station, the portable terminal, the storing data/enciphering, the remote/short-distance interface, the input unit, the memory storing data from data input, a display, an enciphering/deciphering, a control unit.

Regarding the amended portion, referring to claim 1 above from Nohda.

Regarding **claim 6**, Takayama discloses the storing of the customer information in the credit settlement device of the charging means, making payment via store terminal (the credit settlement device 101 for the charging means (col. 211, lines 27-47), and information including the money payment amount, the transaction data (col. 211, lines 48-55), as the claimed amount of payment, date and time of payment, and store terminal (credit charging device 101) transmits to said portable device (personal payment terminal 100) via short distance interface.

Regarding **claim 7**, refer to the examiner's comment for the personal terminal 100 receiving information from credit device 101 and storing the payment charging means, as shown above in claim 1.

Regarding **claim 8**, refer to the examiner's comment for the displaying part of the payment to the display of the personal terminal 100 as shown above in claim 1.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama in view of Nohda, and further in view of Watts (EP 0,079,749 A2).

In the above, it does not include the details for the voice inputting device.

Watts teaches **claim 2**, the voice inputting device and an operational key panel, see in front figure, the microphone 180, and the keypad 178, also, in col. 17, 35-41. It's apparently obvious to include the efficient means of inputting money data information for the payment. By doing so, the system could efficiently collecting the payment. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify and add Watts's microphone 180, keypad 178, to Takayama, such that the money data information could be communicated via the voice and keypad inputting device.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama in view of Nohda, and further in view of Loder (US 5,748,720).

In the above it does not include the details for the amount of payment or points exceeds a predetermined level

Loder teaches **claim 9**, the amount of payment or points exceeds a predetermined level, as shown in abstract, in Fig. 1-3, the removable Subscriber Identification Module SIM for storing the amount paid before, prepaid, in the SIM, and the controlling of the payment record decrease according to the tariff rate before reaching to the minimum money value in the SIM. Therefore, it would have been obvious to one of ordinary skill in the art at the time

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of invention to modify and add Loder's minimum money value in SIM, to Takayama as modified above, such that the credit could be accurate controlled based upon the minimum money value in the SIM. Regarding the portable device sends a request for service to said store terminal via said short distances, refer to claim 1 above.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama in view of Nohda, and further in view of Vatanen (US 6,169,890 B1).

In the above it does not include the payment booking.

Vatanen teaches **claim 10**, wherein said portable comm. device sends the information regarding the payment to said computer of the financial institution via said remote comm. interface and said base station, and said computer of said financial institution produces a household account book based on the information regarding the payment sent from said portable comm. device ...the financial institution, see in abstract, front figure, col. 1, line 8-12, it shows the identifying of the user's identity locally for the user's access rights of utilizing the financial transaction in a mobile telephone system. In col. 5, line 10-20, it discloses the payer confirmed amount after then having approved the transaction, the payment system returns an identification number. The payment terminal utilizing the GSM-network produces to the customer a receipt and records the transaction in the cash register. In col. 5, line 31-35, it discloses the system utilizes the programming intelligence for software booking of the payment records.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of



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invention to modify and add Vatanen's recording of the approved transaction record, sending receipt to customer, and the programming intelligence of the software, to Takayama as modified above, such that the system could maintains the correct payment records related to remaining balance.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama in view of Nohda, and further in view of Barabash et al. (US 6,101,378).

In the above it does not clearly indicate the periodically displaying of the payment.

Barabash et al. teaches **claim 11**, wherein said computer of the financial institution sends data corresponding to the household account book to a communication terminal of a user of said portable comm. device...account book is displayed periodically or upon a request by user, see in front figure, for the base station, the mobile unit, 104, the debit processing unit DPU 106, for a cellular system for maintaining the balance of the money payment from the mobile unit, otherwise terminating the call request. In col. 2, line 23-27, it shows the DPU can periodically send the balance remaining in the subscriber's account and the mobile can display this balance on its display screen. Also, the display of payment has shown above. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify and add Barabash et al.'s maintaining the user balance, periodically sending and displaying of the balance on mobile unit, to Takayama as modified above, such that the most current transaction payment could be access by the mobile user in a periodic

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manner.

8. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama in view of Nohda, and further in view of Klingman (US 5,950,172).

In the above it does not include the present state of the user, user's state of feeling, although Takayama discloses a service center (service providing system 102) for providing various services to user; a radio base station 104; a portable personal terminal 100; the input means. Takayama does not clearly indicate the service center for determining of the user's present feelings.

Regarding **claim 13**, Klingman teaches the remote communication system for securely obtaining of the evaluation from customer's satisfaction for the purchased product, goods (abstract). The user's satisfaction scoring for the desired product is remotely received for increasing the accuracy of the product evaluation (abstract), as the claimed limitation for the determining of the user's state of feeling and sending the message to personal terminal 100 when service can be provided to user. It's obvious efficient to include the customer's satisfaction scoring feature to the digital money payment system. By doing so, the produce could be accurately evaluated for sale. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify and add Klingman's customer's satisfaction scoring for accurate product evaluation, to Takayama, such that the sale of the products could be improved based upon customer's feedback opinion.

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Regarding **claim 14**, referring to the examiner's comment above for the user's state of feeling of the satisfaction scoring and the input means.

Regarding **claim 15**, referring to the examiner's comment in claim 1 above, Takayama considered the location information for the determining of the service in col. 22, line 62 to col. 23, line 9.

9. Claims 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama in view of Nohda, and further in view of Forslund et al. (US6,250,557 B1).

In the above, it does not explicitly indicate the portable comm receives message from service center, the portable comm device sends storing-means's user information.

Forslund et al. teaches **claim 16**, wherein said portable comm device further comprises short-distance comm means for communicating with said service provider terminal and storing means for storing user information, wherein said portable comm device sends the user information stored in said stored means to said service provider terminal when said service device receives a message to the user from said service center, see in front figure, abstract, for a mobile telephone 14 communicates with smart card wallet 112 utilizing the short distance infrared IR link, col. 6, line 23-24, col. 4, line 19-20. In abstract, it discloses the data information are transferred to/from the smart cards in the wallet to mobile telephone and via to mediate transaction between the smart cards wallet and parties, banks, merchants. In col. 6, line 34-36, the airline computer request mobile phone to transmit valid transaction

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information. In col. 10, line 25-28, it shows the mobile phone receives transmitted data from wallet, and transfers first quantity of data to remote transaction unit. Beside, wallet stores the updated encrypted payment transaction information, in col. 6, line 62-65. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify and add Forslund et al.'s mobile phone transmitting of stored updated transaction information in smart card wallet, operating in infrared comm range, to the remote transaction unit, upon requesting from remote transaction unit, to Takayama as modified above, such that the payment transactions could be efficiently managed, maintained by the smart card wallet for immediate usage.

Regarding **claim 17**, Forslund et al. above has shown the updating of the payment information in the wallet, and Vatanen has shown the notification of the user with the receipt, the notification could be voice message. The voice guidance system for receiving message to cellular phone has shown above also.

10. Claims 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayam in view of Nohda, and further in view of Shitara et al. (US 4,833,702).

In the above it does not explicitly indicate the temporary number.

Shitara et al. teaches **claim 18**, wherein said service center further comprises: temporary telephone number setting and announcing means for setting a temporary telephone number...is time limited service, see in abstract, in col. 1, line 19-30, it shows under the roaming condition, the cordless phone is assigned with the temporary telephone number for the current cordless position. If the cordless phone fails to information the controller of the

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post-registration within the prescribed time, the registration of this telephone is canceled.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify and add Shitara et al.'s assigning of the roaming temporary telephone number, the cancellation of the telephone registration, within the time interval, to Takayama as modified above, such that the assigning of the roaming temporary telephone numbers could be controlled by system. Regarding the voice announcing, referring to claim 17 above. Regarding **claim 19**, referring to the discussion in claim 18 above for the same controller service system utilizing the one roaming temporary telephone number.

11. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama in view of Nohda, and further in view of Kirkpatrick (US 5,933,776).

In the above it does not include the user's feeling clearly.

Regarding **claim 26**, Kirkpatrick teaches the apparatus and method for collecting user's dissatisfaction using testing of the service features to resolve user's dissatisfaction (abstract). The server provides a test for testing of the function and features of the cellular telephone, such that the user's issue/dissatisfaction could be resolved (In Fig. 8, steps 125; col. 5, lines 1-15; col. 7, lines 61-62). The keypad is the input device to receive a present user's dissatisfaction present state of feeling, and the dissatisfaction is tested and collected, about the cellular telephone service and hardware functions. It is apparently obvious to include Kirkpatrick's technique for communicate with user via testing for collecting the user's

dissatisfaction, to Takayama, such that the system could be upgraded for resolving the service problem by collecting the user's dissatisfaction, for improving the service.

***Response to Arguments  
And  
Conclusion***

12. Applicant's arguments with respect to claims 1, 2, 5-11, 13-19 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's amendment and argument for the changing of the software for the method of enciphering/deciphering used by the processor; the remote station for indicating of the user's feeling;

Patent to Nohda-'875 B1 (added to office action in claim 1) teaches the receiving of a command for changing the cipher processing program transmitted from the service station and the circuit function updates the cipher processing provided from the program (abstract, Fig. 1-3, steps SP1-SP5). Nohda also teaches the changing of the decrypting method and apparatus (in col. 10, lines 18-38).

Regarding the remote station for indicating of the user's feeling, patent to Kirkpatrick teaches the base station collects the user's dissatisfaction from remote cellular telephone for the service (abstract, Fig. 1-7), as the remote station for indicating of the user's feeling. The server provides a test for testing of the function and features of the cellular telephone, such that the user's issue/dissatisfaction could be resolved (In Fig. 8, steps 125; col. 5, lines 1-15; col. 7, lines 61-62).

In view of the above disclosure, the arguments are moot and claims 1, 2, 5-11, 13-19 are remaining in the rejection manner.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (703)-306-5615.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter, can be reached at (703)-308-6732.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,


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Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Charles Chow

December 2, 2002.



TECHNOLOGY CENTER 2600  
CUSTOMER SERVICE OFFICE  
703 306-0377